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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FACEBOOK, INC. and MARK ZUCKERBERG,

Plaintiffs,

v.

CONNECTU LLC, (now known as CONNECTU INC.) CAMERON WINKLEVOSS, TYLER WINKLEVOSS, DIVYA NARENDRA, PACIFIC NORTHWEST SOFTWARE, INC., WINSTON WILLIAMS, WAYNE CHANG, and DAVID GUCWA, AND DOES 1-25,

Defendants.

CASE NO. C 07-01389 RS

SUPPLEMENTAL DECLARATION OF JOHN TAVES IN SUPPORT OF DEFENDANTS PACIFIC NORTHWEST SOFTWARE, INC.'S AND WINSTON WILLIAMS'S REPLY TO PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

Date: July 11, 2007
Time: 9:30 a.m.
Dept. 4
Judge: Hon. Richard Seeborg

Dockets.Justia.com

I, John Taves, declare,

1. I am a principal in the Washington State entity known as Pacific Northwest Software, Inc. ("PNS") If called as a witness in this matter I could and would testify competently as follows:

2. I submitted a declaration on or about March 21, 2007 in this matter.

3. PNS is informed that Facebook, Inc. alleges that its principal place of business is in California. PNS has never been told of this contention, and did not learn of it until it was served with the First Amended Complaint. Until served with the First Amended Complaint, PNS had no knowledge of where Facebook Inc. was organized, or where its principal place of business was located. PNS has never met Plaintiff Mark Zukcerberg and has never been told nor has never learned where Mr. Zuckerberg lives or resides.

4. From the time PNS was organized in 1998 until the present, PNS has been a small entity with 2 principals, each of whom reside in Washington state. PNS has always been in the business of writing software. At no time has PNS concentrated its efforts on serving entities in California. By far, since we have been organized, the vast amount of the entities for whom we have provided services are located in the Northwestern part of the United States.

5. Although we have from time to time served entities whom we have learned had a presence in California, such activities are more sporadic and attenuated. I estimate that PNS has generated approximately $8 million in revenues. Since our inception, we have five, what I would identify as major clients. I am not aware that any of these major clients is located in California. Regarding the work that PNS has done for its major clients, the individuals with whom PNS has dealt were not located in California.

6. In response to the First Set of Interrogatories Propounded to PNS, I identified 10 PNS clients for whom our records disclose a California contact. None of these entities identified in these responses has provided what I would consider a significant portion of revenues to PNS.

7. From time to time, PNS would retain independent contractors to perform limited software writing services. I have identified these individuals in response to the First Set of Interrogatories Propounded to PNS. Many of these California-based contractors have been what I would term journey men contractors. Other than one or two, they have only provided services for PNS for a short time before pursuing other ventures.

I declare under the laws of the United States that the foregoing is true and correct and that this declaration was executed on the fifth day of July 2006 at Seattle, Washington.

John Taves